

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RYSTA LEONA SUSMAN, both individually)
and as Legal Guardian of SHANE ALLEN)
LOVELAND, et al.)

Plaintiffs,)

v.)

THE GOODYEAR TIRE & RUBBER)
COMPANY,)

Defendant.)
)

CASE NO. 8:18-cv-00127

MOTION FOR CLARIFICATION

COMES NOW, Plaintiffs Rysta Leona Susman, individually and as legal guardian of Shane Allen Loveland, and Jacob Summers, by and through their counsel, and hereby moves the Court for clarification regarding its Memorandum and Order, ECF No. 263.

In its Memorandum and Order, the Court ruled on several motions in limine sought by both Plaintiffs and Defendant. Relevant to the present Motion, the Order ruled on the propriety of evidence concerning (1) the investigation of Goodyear's Load Range E Tire by the National Highway Transportation Safety Administration (NHTSA); (2) Goodyear's voluntary replacement program of Load Range E tires; and (3) prior incidents similar to the auto crash in this case.

Plaintiffs move and respectfully seek Court clarification that (1) Plaintiffs may introduce evidence of Goodyear's replacement program without reference to the NHTSA investigation and for purposes additional to the presence of the nylon cap; and (2) evidence of prior similar incidents of Load Range E Tire failure outside of the speed

range identified by the Court if Plaintiffs can establish through evidence that speed is not a material factor concerning such failure.

In further support of this Motion, Plaintiffs are submitting a Brief and Index of Evidence contemporaneously herewith, filed under seal consistent with the Court's Protective Order, ECF No. 66.

RYSTA LEONA SUSMAN, both individually
and as Legal Guardian of SHANE ALLEN
LOVELAND, and JACOB SUMMERS,
Plaintiffs

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically on the 9th day of March, 2020, with the United States District Court for the District of Nebraska using the CM/ECF system, which sent notification of such filing to the following individuals:

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